

AMENDED IN ASSEMBLY FEBRUARY 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 116

Introduced by Assembly Member Nakano

January 14, 2003

An act to amend Section 4980.01 of the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 116, as amended, Nakano. Marriage and family therapists: ~~Telemedicine Development Act of 1996~~ *telemedicine*.

Existing law provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. Under existing law, the Telemedicine Development Act of 1996, a health care ~~provider~~ *practitioner* may deliver medical services using interactive audio, video, or data communications without person to person ~~contract~~ *contact* with the patient.

This bill would ~~specify~~ *state* that the provisions of law regulating *telemedicine apply* to the practice of a marriage and family therapist ~~do not constrict, limit, or withdraw the application of the Telemedicine Development Act of 1996.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4980.01 of the Business and Professions
- 2 Code is amended to read:

1 4980.01. (a) Nothing in this chapter shall be construed to
2 constrict, limit, or withdraw the Medical Practice Act, the Social
3 Work Licensing Law, the Nursing Practice Act, or the Psychology
4 Licensing Act. ~~Nothing in this chapter shall be construed to~~
5 ~~constrict, limit, or withdraw the application of the Telemedicine~~
6 ~~Development Act of 1996.~~

7 (b) This chapter shall not apply to any priest, rabbi, or minister
8 of the gospel of any religious denomination when performing
9 counseling services as part of his or her pastoral or professional
10 duties, or to any person who is admitted to practice law in the state,
11 or who is licensed to practice medicine, when providing
12 counseling services as part of his or her professional practice.

13 (c) This chapter shall not apply to an employee of a
14 governmental entity or of a school, college, or university, or of an
15 institution both nonprofit and charitable if his or her practice is
16 performed solely under the supervision of the entity, school, or
17 organization by which he or she is employed, and if he or she
18 performs those functions as part of the position for which he or she
19 is employed.

20 (d) *A marriage and family therapist licensed under this chapter*
21 *is a licentiate for purposes of paragraph (2) of subdivision (a) of*
22 *Section 805, and thus is a health care practitioner subject to the*
23 *provisions of Section 2290.5 pursuant to subdivision (b) of that*
24 *section.*

25 (e) Notwithstanding subdivisions (b) and (c) all persons
26 registered as interns or licensed under this chapter shall not be
27 exempt from this chapter or the jurisdiction of the board.